

ORDINANCE No. 2008-02-138

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO.2005-03-41, WHICH ESTABLISHED A CONSENT AGENDA, TO PROVIDE THAT ALL ITEMS PULLED FROM THE CONSENT AGENDA REQUIRE THE APPROVAL OF A MOTION OF THE GOVERNING BODY PRIOR TO ANY ITEM BEING PULLED; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 12, 2005, the City Council adopted Ordinance No. 2005-03-41 to establish a consent agenda, and

WHEREAS, the purpose of a Consent Agenda, is to efficiently deal with items that are noncontroversial and which should be approved within the normal course of the City's ongoing operations, and

WHEREAS, in an effort to avoid having noncontroversial items pulled from the Consent Agenda, and to ensure efficiently run City Council meetings, it is being recommended that items placed on the Consent agenda, not be pulled unless the governing body approves a motion,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Section 5. of Ordinance No. 2005-03-41 is hereby amended as follows:

**Section 5. AGENDA.**

(a) **Preparation.** There shall be an official agenda for every meeting of the City Council. The City Manager and/or Clerk shall be responsible preparing an agenda for each meeting. The agenda shall be distributed to the Mayor, Council Members, City Manager, City Attorney and City Clerk, and placed at the designated sites as far in advance of the meeting as time for preparation will permit.

(b) **Items.** Any City Council member, the City Manager, the City Attorney, and the City Clerk may place matters on the agenda.

(c) **Preparation of Ordinances and Resolutions.** The City Attorney, when requested, shall prepare ordinances and resolutions. Ordinances may be introduced and listed by title and shall be read by title only before consideration by the City Council on first reading. On first reading of ordinances there may be discussion by the City Council and/or City Staff, but not members of the general public unless otherwise directed by the Presiding Officer. On second reading there may be discussion by the City Council, City Staff and/or members of the general public. On first reading and second reading, a roll call vote is required for the passage of an ordinance. Only resolutions and motions may be enacted by voice vote calling for "yes" or "no" on the question.

(d) **Approval by City Attorney.** All ordinances, resolutions and contract documents, before presentation to the Council, shall have been reduced to writing and shall have been approved as to form and legal sufficiency by the City Attorney.

(e) **Action by Resolution or Ordinance.** Any actions of the City Council may be taken by motion, resolution or ordinance except that any actions of the Council which are set forth in Section 4.3 of the City Charter shall be by ordinance.

(f) **Statement of Fiscal Impact.** Prior to the second reading of any ordinance, the City Manager shall prepare a written statement setting forth the fiscal impact, if any, of a proposed ordinance. No ordinance shall be considered on second reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The

provisions of this rule shall apply on any emergency ordinance or any budget ordinance.

(g) **Withdrawal of Agenda Items.** A sponsor of an agenda item may withdraw the item at any time. An agenda item shall be deemed withdrawn upon its third deferral. The provisions of this rule shall not apply to zoning applications to amend the Comprehensive Master Plan.

(h) **Minutes.** Minutes of regular and special meetings shall be recorded. Such minutes shall be maintained in the Office of the City Clerk. All minutes shall be summary in nature and not verbatim. It shall not be necessary to read the minutes prior to approval. Written minutes of all meetings shall be available for public inspection not later than 30 days after the conclusion of the meeting as stated in the CITIZENS' BILL OF RIGHTS.

(i) **Consent Agenda.** The City Clerk shall establish a Consent Agenda for the adoption of resolutions and other items upon the advice and recommendation of the City Manager. All items appearing on such Consent Agenda may be adopted on a roll call vote by the affirmative vote of a quorum of the Council members present, unless an item is first pulled from the Agenda as hereinafter provided. In the event such Consent Agenda does not receive the necessary affirmative votes, the City Council may delete items from such Consent Agenda, or it may proceed to consider such items individually. Each Council member and the Mayor ~~shall be entitled to remove~~ may request that an item(s) be pulled from the Consent Agenda before the vote on the Consent Agenda. However, all items pulled from the Consent Agenda, will require the approval of a motion of the governing body prior to any item being pulled. All items not approved on the applicable Consent Agenda shall be referred to and considered following the approval of items on the Consent Agenda. Items that are removed from the Consent Agenda shall be considered immediately following the Consent Agenda. The Consent Agenda may be adopted by the affirmative roll call vote of all Council members present.

SECTION 18. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 19. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 20. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 21. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING IN FULL ON THE 9<sup>th</sup> DAY OF JANUARY, 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 23<sup>RD</sup> DAY OF JANUARY, 2008.

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

  
SHIRLEY GIBSON, MAYOR

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: Mayor Shirley Gibson

MOVED BY: Mayor Gibson

SECONDED BY: Councilman Campbell

**VOTE: 4-1**

Mayor Shirley Gibson

x (Yes)      (No)

Vice Mayor Barbara Watson

x (Yes)      (No)

Councilman Melvin L. Bratton

     (Yes)      (No) Out of town

Councilman Aaron Campbell

x (Yes)      (No)

Councilman Andre' Williams

x (Yes)      (No)

Councilwoman Sharon Pritchett

     (Yes) x (No)

Councilman Oscar Braynon, II

     (Yes)      (No) Not present

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